



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.3144 of 2015

Premkumar ... Petitioner/Complainant
Vs.
Ramu ... Respondent/Accused

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the dismissal order dated 25.08.2014 passed by the learned Judicial Magistrate, Pattukottai in Cr.M.P No.6231 of 2014 and further direct the learned Judicial Magistrate, Pattukottai to take the private complaint on its file.

For Petitioner : Mr.Deenadhayan

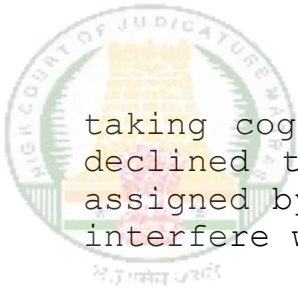
For Respondent : No representation

ORDER

The petitioner filed a private complaint under Section 200 of Cr.PC before the Judicial Magistrate, Pattukottai against the respondent herein namely Ramu. The petitioner's father was riding a two wheeler bearing Registration No.TN 49 AZ 9806 on 22.05.2013 at about 03.30 P.M. According to the complainant/petitioner herein, a TATA Ace van bearing Registration No. TN 49 AU 6729 driven by the respondent herein coming from the opposite direction, hit the two wheeler causing the death of the petitioner's father. According to the petitioner, his mother who was also in the two wheeler had witnessed the accident. Crime No.128 of 2013 was registered on the file of the Madhukoor Police Station. It has been mentioned as if the two wheeler which was driven by the petitioner's father hit the van from behind. Ramu the respondent herein is figuring as the defacto complainant in the said FIR. The complaint in question has been filed on the strength of the entries made in the accident register. The court below by order dated 25.08.2014 dismissed the private complaint filed by the petitioner herein. Challenging the same, this petition has been filed.

2.Heard the learned counsel for the petitioner.

3.Admittedly, the petitioner herein is not an eyewitness to the occurrence. It was only his mother Manimehalai who is said to have been present at the accident. But, she was not examined. In these circumstances, the court below rightly came to the conclusion that there is not even a prima facie material against the respondent for



taking cognizance of the offence in question and therefore rightly declined to take the private complaint on file. The reasons assigned by the court below are well founded. I find no ground to interfere with the same. This petition stands dismissed.

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Sd/-

Assistant Registrar(P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

The Judicial Magistrate, Pattukottai,
Thanjavur District.

+1 CC to Mr.S.DEENADHAYALAN, Advocate(SR-89582[F]dated 26/09/2019)

Skm

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